

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Peace Officer/Firefighter Retirement Criteria for CEA and Exempt Positions	REFERENCE NUMBER: 2009-002
DATE ISSUED: 01/08/09	SUPERSEDES:

This memorandum should be forwarded to:

**Department Directors
Personnel Officers
Personnel Transaction Supervisors
Personnel Transaction Staff
Employee Relations Officers**

FROM: Department of Personnel Administration
Benefits Division

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Effective January 1, 2009, retirement law was amended to clarify which Career Executive Assignment (CEA) and Exempt positions are eligible for the Peace Officer/Firefighter (POFF) retirement benefits. [Senate Bill 1496 is available on the Legislative Web site.](#)

POFF Determinations

State agencies must submit a request to the Department of Personnel Administration (DPA) to include CEA and Exempt positions in the POFF retirement category. If approved by the Director of DPA, notification will be sent to the requesting agency, State Controller's Office (SCO), and the California Public Employees' Retirement System (CalPERS). Agencies do not have the authority to independently determine which positions are eligible for POFF retirement. SCO and CalPERS will not accept requests directly from agencies without DPA's approval.

POFF Audits and Reports

DPA staff has completed an audit of all positions currently included in POFF retirement and identified a small number of employees included in POFF retirement that do not meet the statutory criteria for inclusion in POFF. The employees erroneously placed in POFF retirement will not be penalized for misallocation that occurred in the past. These individuals will remain in POFF retirement until they separate from their current positions. However, the positions will be flagged, and any future incumbents will be placed in the appropriate retirement plan. In a few weeks, each agency will receive a copy of the POFF audit report. DPA will continue to report positions eligible for POFF retirement to the Legislature and perform periodic audits of the POFF retirement plan to ensure statutory compliance.

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POFF Retirement Web site

[POFF retirement and audit information is located on DPA's Web site](#). If you have questions regarding this information, please contact Desi Rodrigues, Staff Personnel Program Analyst at (916) 324-9400.

/s/Dave A. Gilb

Dave A. Gilb, Director
Department of Personnel Administration